

JUN 06 2006

 **NCT Group, Inc.**

NCT LEGAL CONFIDENTIAL

FACSIMILE MESSAGE

To: Office of Petitions
Mail Stop PETITIONS
Commissioner for Patents
Company: United States Patent & Trademark Office
Phone:
Fax: 571 273 8300

From: Carla White-Earwell
Legal Department
Phone: (410) 280-6412
Fax: (410) 280-6412

Date: June 6, 2006
**No. of Pages including
this cover page:** 8

Re: Renewed Petition Under 37 CFR 1.137(b)
Application No. 09/595,558
Docket No. 373 US-C2

In response to the decision on the petition under 37 CFR 1.137(b) mailed May 23, 2006, petitioner hereby submits a renewed petition under 37 CFR 1.137(b) requesting reconsideration of the decision.

The petition is signed on behalf of the assignee, NCT Group, Inc. and a Statement Under 37 CFR 3.73(b) is enclosed establishing ownership of the application. Also enclosed is a copy of the Recordation Form Cover Sheet to record a change of name of assignee Noise Cancellation Technologies, Inc. to NCT Group, Inc. This recordation form has been filed as of June 6, 2006.

The Commissioner is hereby authorized to charge any fees related to this petition to Deposit Account No. 14-1170.

Respectfully submitted,



Carla Earwell

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6 Southgate Court, Annapolis, MD 21401, USA. Tel: (410) 280-6412. Fax: (410) 280-6412

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PTO/SB/64 (10-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
373US-C2

First named inventor: JONES, OWEN

Application No.: 09/596,568

Art Unit: 2644

Filed: 03/08/1999

Examiner: MEI, XU

Title: VARIABLE GAIN ACTIVE NOISE CANCELING SYSTEM WITH IMPROVED RESIDUAL NOISE SENSING

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity -- fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Part B - Issue Fee Transmittal (identify type of reply):

☒ has been filed previously on 07/20/2005
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ 1400

☒ has been paid previously on 03/09/2006
☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9198 and select option 2.

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

[Signature]
Signature

5/30/06
Date

Irene Lebovics, President

Typed or printed name

Registration Number, if applicable

NCT Group, Inc.

Address

410-280-6412

Telephone Number

6 Southgate Court, Annapolis, MD 21401

Address

Enclosures: ☐ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☒ Other, Cover letter with Authorization to charge deposit account for any fees due

Statement under 37 CFR 3.73(b)

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

June 6, 2006
Date

[Signature]
Signature

Carla Fawcett

Typed or printed name of person signing certificate

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PTO/SB/96 (12-05)

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STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: JONES, OWEN

Application No./Patent No./Control No.: 09/595,558

Filed/Issue Date: 03/08/1999

Entitled: VARIABLE GAIN ACTIVE NOISE CANCELLING SYSTEM WITH IMPROVED RESIDUAL NOISE SENSING

NCT Group, Inc.

a corporation

(Name of Assignee)

(Type of Assignee: corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest
(The extent (by percentage) of its ownership interest is _____ %)

in the patent application/patent identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or a true copy of the original assignment is attached.

OR

B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: Owen Jones To: Active Noise and Vibration Technologies, Inc.

The document was recorded in the United States Patent and Trademark Office at
Reel 6729, Frame 0389, or for which a copy thereof is attached.

2. From: Active Noise and Vibration Technologies To: Noise Cancellation Technologies, Inc.

The document was recorded in the United States Patent and Trademark Office at
Reel 7205, Frame 0543, or for which a copy thereof is attached.

3. From: Noise Cancellation Technologies, Inc. To: NCT Group, Inc.

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08.]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Irena Lebovics
Signature

Irena Lebovics

Printed or Typed Name

President

Title

5/30/06
Date

203 226 4447

Telephone Number

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1460.

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